UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,844	05/25/1999	TAKAHIRO MATSUURA	35.C13538	9619

5514 7590 11/03/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
SUKHAPHADHANA, CHRISTOPHER T	
ART UNIT	**PAPER NUMBER**
2625	10

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/317,844	MATSUURA ET AL.	
	Examiner	Art Unit	
	Christopher T. Sukhaphadhana	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 September 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 4-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. Amendment filed 05 Sep 2003 has been entered in full.

2. Examiner is withdrawing the previous indication of allowable subject matter regarding claims 3 and 7-11 presented in paragraph 11 of the previous Office Action, upon which current claims 1 and 7-11 are respectively based.

Drawings

3. The drawings were received on 05 Sep 2003. These drawings are acceptable.

4. Based on the corrected formal drawings, the objections to the drawings are withdrawn.

Response to Arguments

5. Applicant's arguments with respect to **claims 1-2 and 4-13** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 1-2, 4, 7-13** are rejected under 35 U.S.C. 103(a) as being obvious over Mowry (U.S. Patent 5,457,491, previously cited, "Mowry") in combination with Ohta (U.S. Patent 6,124,944, newly cited, "Ohta").

The applied reference "Ohta" has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

8. In regards to **claim 1**, Mowry discloses an image processing method (Fig 1) comprising: holding a profile for an output target film (ref no 57, Fig 6, and col 13, lines 47-59); preparing a table to approximate a color reproducibility of output target film as to a color reproducibility of the input image data on the basis of the profile of the input device and the profile for the output

target film (col 9, lines 17-37 and col 13, lines 22-26); and correcting (col 13, lines 53-59) a color of the input image data by using the prepared table.

Mowry does not expressly disclose holding a profile for an input device; and selecting the profile for the input device on the basis of information added to the input image.

Ohta teaches holding a profile for an input device (ref no 4, Fig 2); preparing a table on the basis of the profile for the input device (Fig 3); and selecting the profile (ref no 2, Fig 2, and col 5, lines 22-29) for the input device on the basis of information added to the input image.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Ohta's teachings into Mowry's invention because it would create a more efficient and effective system by judging whether a color expressed by the entered image data is capable of being reproduced by the output device (Ohta, col 3, lines 54-56).

9. In regards to **claim 2**, Mowry further discloses in col 9, lines 24-29, the data corresponding to a gray chart described in the profile for the input device and the profile for the output target film.

10. In regards to **claim 4**, Ohta further discloses in ref no 4, Fig 2, the table being prepared for each of plural color components of the input image data.

11. In regards to **claim 7**, most of the elements set forth in this claim have been addressed in the argument of claim 1.

Ohta further discloses judging a type of an input device type according to an input image (ref no 2, Fig 2, and col 5, lines 21-29); and determining, in accordance with a result obtained in said judging step, whether the color correction is to be performed (col 5, lines 15-20).

12. In regards to **claim 8**, Ohta further discloses the type of input device being described as an ID (col 5, lines 21-25, and ref no 4, Fig 2).

Mowry and Ohta do not expressly disclose the ID being within header information for the input image.

It would have been obvious to one of ordinary skill in the art at the time of the invention to store the ID of the type of input device within the header information for the input image because doing such was well-known in the art for transmitting information related to the data that could be used for identification or to assist with processing.

13. In regards to **claim 9**, Mowry and Ohta do not expressly disclose the type of input device being the name of a digital camera, a film scanner, or a flat bed scanner.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the name of a digital camera, a film scanner, or a flat bed scanner as the type of input device because doing such would provide a unique identifier for a set of devices with a similar input profile indicative of the e.g. "input device #1" of Ohta, ref no 4, Fig 2.

14. In regards to **claim 10**, color correction may or may not be performed according to Ohta regardless of whether the type of input device is a digital camera.

15. In regards to **claim 11**, Ohta further discloses the profile for the input device type being automatically selected in accordance with the name of the device (ref no 2, Fig 2, and col 5, lines 25-29).

16. In regards to **claims 12 and 13**, all the elements set forth in this claim have been addressed in the argument of claim 1.

17. **Claims 5-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowry (U.S. Patent 5,457,491, cited above, "Mowry") and Ohta (U.S. Patent 6,124,944, cited above, "Ohta") as applied to claim 1 above, in further combination with Furukawa et al (*Super high definition image digitizing system*, 1992).

18. In regards to **claim 5**, Mowry and Ohta do not expressly disclose the step of emphasizing an edge in a highlighted portion of the color-corrected image data.

Furukawa teaches the step of edge emphasis on p III-530, section 3.3.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the step of edge emphasis from Furukawa with the method of Mowry and Ohta because such a step is well-known in the art to improve edge visibility of the image.

19. In regards to **claim 6**, Mowry and Ohta do not expressly disclose performing a white balance correction using a look up table prepared on the basis of a highlighted point and a shadow point of the input image data; and performing color correction for the image data obtained by the white balance correction.

Furukawa teaches on p III-531, section 3.4, performing white balance and color correction as claimed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the steps of white balance and color correction from Furukawa with the method of Mowry and Ohta because such a step is well-known in the art to improve the aesthetics of the image.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher T. Sukhaphadhana whose telephone number is 703-306-4148. The examiner can normally be reached on 9a-4p M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

CTS

CTS

BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600